

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK JEFFERY LEE,

Plaintiff,

vs.

SNOHOMISH COUNTY,

Defendant.

No. 17-cv-00176-JLR

STIPULATED MOTION AND
~~PROPOSED~~ ORDER TO FILE
DOCUMENTS UNDER SEAL.

Pursuant to LCR 5(g)(2), the parties, by and through their respective counsel of record, hereby jointly move the Court for an Order permitting Defendant Snohomish County to file documents under seal that Defendant filed with the Court in support of its motion for Summary Judgment. These documents are Plaintiff Mark Lee's personal medical records, and are attached as page 2 of Exhibit K to the declaration of Marilyn Finsen and Exhibit H to the declaration of Rhea Reynolds in Support of Defendant's Motion for Summary Judgment.

A. AUTHORITY.

"There is a strong presumption of public access to the Court's files." LCR 5(g). In order to file documents in support of summary judgment under seal, the proponent of the records must show "compelling reasons." *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1177 (9th Cir. 2006); *Foltz v. State Farm Mutual Auto Ins. Company*, 331 F.3d 1122, 1135 (9th Cir.

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2003). The need to protect medical privacy generally qualifies as a “compelling reason.”
Karpenski v. American General Life Companies, 2013 WL 5588312 at 1 (W.D. Wash Oct 9,
2013).

~~Good cause exists here. Courts generally recognize the privacy interest in personal~~
medical records. Redaction of the record is insufficient to protect Plaintiff’s privacy, as the entire
record is generally considered confidential. The parties agree that these records should be filed
under seal.

B. CERTIFICATION.

The parties certify that they have met and conferred through their counsel of record,
Charlotte F. Comer and Rodney Moody, on April 23, 2018, in an attempt to reach agreement on
the need to file the documents under seal, to minimize the amount of material filed under seal,
and to explore redaction and other alternatives to filing under seal.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 23rd day of April 2018.

MARK K. ROE
Snohomish County Prosecuting Attorney

By: /s/ Charlotte F. Comer
STEVEN J. BLADEK, WSBA No. 24298
CHARLOTTE F. COMER, WSBA No. 36805
Deputy Prosecuting Attorneys
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STIPULATION TO FILE PLAINTIFF’S MEDICAL RECORDS
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LAW OFFICES OF RODNEY MOODY

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STIPULATION TO FILE PLAINTIFF'S MEDICAL RECORDS
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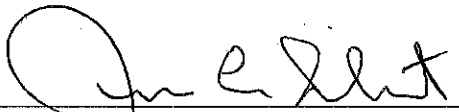
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ORDER

This matter having come before the undersigned Judge of the above-entitled court, based upon the foregoing stipulation, now, therefore,

~~IT IS HEREBY ORDERED~~ that records attached as page 2 Exhibit K to the declaration of Marilyn Finsen and Exhibit H to the declaration of Rhea Reynolds in support of Defendant Snohomish County's motion for summary judgment will be filed under seal.

DONE IN OPEN COURT this 26th day of April, 2018



Judge James L. Robart

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing Stipulation upon the person/persons listed by the method(s) indicated:

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Attorney for Plaintiff

☒ Electronic Filing (CM/ECF)
☐ Facsimile
☐ Express Mail
☐ Email
☐ U.S. Mail
☐ Hand Delivery
☐ Messenger Service

I declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

SIGNED at Everett, Washington, this 24th day of April, 2018.

/S/ Leslie Berg
Legal Assistant